

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 22-48009

ANGELIQUE M. EVANS,

Chapter 13

Debtor.

Judge Thomas J. Tucker

_____ /

ORDER DISMISSING CASE

On October 13, 2022, the Debtor filed a voluntary petition for relief under Chapter 13, commencing this case, and the Debtor also filed, among other documents, a document entitled “Certificate of Counseling” (Docket # 4), which states that on February 15, 2022, the Debtor received “an individual [or group] briefing that complied with the provisions of 11 U.S.C. §§ 109(h) and 111.”

The Debtor is not eligible to be a debtor in this case under 11 U.S.C. § 109(h)(1). That section provides, in relevant part, that

an individual may not be a debtor under this title unless such individual has, **during the 180-day period ending on the date of filing the petition** by such individual, received from an approved nonprofit budget and credit counseling agency described in section 111(a) an individual or group briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted such individual in performing a related budget analysis.

(Emphasis added).

The Debtor did not receive the required credit counseling briefing *during the 180-day period ending on the date of the filing of his petition*. In this case, the “180-day period ending on” the petition date of October 13, 2022 began on Saturday, April 16, 2022. The Debtor received the credit counseling briefing on February 15, 2022, sixty days before the 180-day period began. Because the Debtor is not eligible to be a debtor in this case, the case must be dismissed.

IT IS ORDERED that this case is dismissed.

Signed on October 17, 2022



/s/ Thomas J. Tucker

Thomas J. Tucker
United States Bankruptcy Judge